

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VISIBLE SYSTEMS CORPORATION,

Plaintiff

v.

UNISYS CORPORATION,

Defendant

Civil Action No. 04-CV-11610-RGS

DEFENDANT'S PROPOSED DESCRIPTION
OF CASE FOR JURY VENIRE

This is a case about trademark infringement. The plaintiff, Visible Systems Corporation of Lexington, Massachusetts, claims that it owns a trademark in the term VISIBLE, which it uses in connection with its business. The defendant, Unisys Corporation, has adopted the mark 3D VISIBLE ENTERPRISE in connection with business consulting services it provides. Visible Systems claims that Unisys's mark infringes its trademark rights—that is, Visible Systems claims that Unisys's mark is confusingly similar to Visible Systems' mark, and that Visible Systems' potential customers are likely to be confused by into mistakenly believing that Unisys is the source or sponsor of Visible Systems products or services. Unisys denies this claim. It contends that the 3D VISIBLE ENTERPRISE mark is not confusingly similar to plaintiff's mark, and that there is no likelihood potential customers will mistakenly believe the companies or their businesses are connected.

Dated: July 13, 2007

UNISYS CORPORATION,
By Its Attorneys,

/s/ William L. Boesch
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CERTIFICATE OF SERVICE

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/s/ William L. Boesch